Howard Ditch
East Boulder Community Park
Boulder
Boulder County
Colorado

HAER No. CO-64

PHOTOGRAPHS

WRITTEN HISTORICAL AND DESCRIPTIVE DATA

Historic American Engineering Record
National Park Service
Rocky Mountain Regional Office
Department of the Interior
P.O. Box 25287
Denver, Colorado 80225

HISTORIC AMERICAN ENGINEERING RECORD
HOWARD DITCH

I. INTRODUCTION

Location:	The ditch is located in the NE 1/4 of the SW 1/4 of Section 3 Township 1 South, Range 70 West, Sixth Principal Meridian on the eastern edge of the City of Boulder, Colorado
Quad:	Louisville, Colorado
UTM:	A 13/481250/4426680 B 13/481300/4426800
Date of Construction:	1859-60 (Modified ca 1975)
Present Owner:	Howard Ditch Company and the City of Boulder, Colorado
Present Use:	Water diversion for agriculture and recreation irrigation
Significance:	The significance of the ditch is found in its longevity and that even today it still maintains its character as a small, hand dug canal representative of the dozens of similar ditches and irrigation systems that once criss-crossed eastern Boulder County. It is significant at the local level for its associations with the early agricultural history of Boulder County.
Historian:	Steven F. Mehls, Western Historical Studies, Inc., November 1989

II. HISTORY

In Colorado the earliest irrigators were Mexicans who settled the San Luis Valley. These pioneers built the first ditch system and hold the most senior water rights in the state. Anglo-Americans followed the Hispanics into Colorado, not to grow crops, but rather to mine gold. One of these prospectors, David K. Wall, soon became discouraged with his run of bad luck at the Clear Creek diggings and turned his efforts to the possible money to be made from supplying fresh produce to the miners. During the summer of 1859 Wall diverted part of Clear Creek's flow on to two acres of land he had planted in vegetables near the present site of Golden, Colorado. In so doing Wall became another pioneer in Silver State irrigation. He not only demonstrated the viability of water diversion for agriculture in the region, but also its profitability, telling the Rocky Mountain News' publisher, William N. Byers, that the first season had netted a thousand dollar profit. Wall had not completed his first season before the question of rights to the water came to the attention of local lawmakers. During October, 1859 the population of "Pike's Peak" determined that a government was needed and after a convention created the extralegal Territory of Jefferson. The next month Jefferson's legislature met and on their agenda the representatives found a petition to validate Wall's claims to Clear Creek water. In response the territorial legislature established the beginnings of Colorado water law by adopting the policy presented in the

California placer mining camps: that water could be diverted from a stream for mining and agricultural uses. This early law allowed the water to be directed to either riparian (on stream) or nonriparian(off stream) lands for use. These first Rocky Mountain assemblymen also recognized the principle of first in time--first in right that evolved into the doctrine of prior appropriation. Despite informal agreements being worked out regarding water usage, federal, territorial or state action was needed in order to insure consistency and enforcement. This process was hindered by the lack of federal action on Colorado's requests for statehood or territorial status as the Territory of Jefferson.

Those early Coloradans soon found that Congress had rejected their petition for statehood or territorial status for Jefferson. However, the national legislature soon realized the need for a government in the region. As one of his last acts as President, James Buchanan signed a bill passed by Congress during February, 1861, that created the Territory of Colorado. By October of that year the Territorial Legislature began to wrestle with the water question and early the next month they passed an act to codify water rights. Experts on the matter have not answered the question whether this law was based on Mormon or Hispanic precedents, but it became the foundation for all future water right legislation in

Colorado. The territorial statute allowed canal builders to cross other individuals' lands to reach their own and in so doing the law validated the concept of diversion to both riparian and nonriparian lands. The legislators included provisions for the apportionment of water during droughts by authorizing local justices of the peace to appoint three-member commissions to determine equitable divisions of the water.

It was in this milieu that the Howard Ditch has its historic roots. The ditch was built during the first full year of settlement in the Boulder Valley by pioneer farmers who found it profitable to supply foods for the miners working the various diggings in Boulder Canyon and its side canyons. When it was appropriated on June 1, 1860, and confirmed by court decree on June 2, 1882, it was the third ditch to be given a water right from South Boulder Creek. It was the eighth ditch in priority in the South Platte basin. The Howard Ditch now is administered as the most senior right in the South Boulder Creek drainage. Over the years the users of the water from the Howard Ditch have changed as has the use some of the water is put to. Originally the entire diversion was for agricultural purposes. However, recent development of a golf course and present development of a city park have caused some of the water to be taken for irrigation of the recreation areas. The Howard Ditch

is a small ditch that has few engineering features. The ditch was hand built during the winter of 1859-1860 by settlers in the area. There is no record of the ditch being the work of a professional water engineer.

III. DESCRIPTION

The ditch is a trench-like structure that varies from 18 to 24 inches wide and averages 20 inches deep. It is soil and not lined with any materials such as concrete or metal. Originally it was 3.5 miles long, but urban construction in Boulder has resulted in its being shortened to approximately 2 miles (north of the segment under consideration here). Its headgate is more modern than one constructed in 1860, however, the simple construction of the remainder of the ditch make its heritage as a hand dug canal obvious. Maintenance of the ditch has not impacted the fabric, as the evidence of maintenance consists of small berms of silt and rock that have been removed from the ditch. This type of maintenance has altered the profiles of the ditch banks, but not in any significant manner. Near the southern end of the ditch a steel tube culvert has been placed in the ditch to facilitate vehicular movement to lands east of the ditch. The only other features noted are a small lateral that leaves the main ditch and continues north for approximately 105 yards and wood slats used to

block the ditch and flood the pastures around it. There is no evidence of the use of siphons or ditchside pumps by irrigators along the ditch.

IV. BIBLIOGRAPHY

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